

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR TODD COUNTY

In the Matter of Revenue Recapture of
Robert Soule

PREHEARING ORDER

A prehearing conference was held by telephone on March 18, 2009. Michael J.G. Schnider, Assistant Todd County Attorney, appeared on behalf of Todd County. Robert Soule appeared on his own behalf.

The Administrative Law Judge has received documents from the Todd County Sheriff and from Mr. Soule that were not copied to the opposing party. The Administrative Law Judge will provide copies and include them in the mailing with this Prehearing Order.

Mr. Soule states that the attorney who represented him in the related criminal proceeding may have information in his file that will assist Mr. Soule in his defense of this matter. Mr. Soule may contact the attorney to obtain copies. If Mr. Soule wants transcripts of proceedings in District Court, he must request those documents from the District Court. If Mr. Soule believes that the testimony of others is necessary to support his defense to this action, he may seek subpoenas for the testimony of those persons. The Administrative Law Judge will provide Mr. Soule with the information necessary to obtain and serve the subpoenas.

IT IS HEREBY ORDERED:

1. This matter is scheduled for hearing by telephone on **April 29, 2009**, commencing at **10:00 a.m.** The parties shall call in to the conference, following the instructions provided by the Office of Administrative Hearings.

2. The parties shall exchange proposed written exhibits and witness lists, and file a copy of the exhibits and a copy of the witness list with this office by **April 22, 2009**. The exhibits shall include each document that a party intends to rely upon at hearing. See Minn. R. 1400.8604. To the extent possible, the parties shall enter into prehearing stipulations regarding the facts involved in the hearing and foundation for anticipated exhibits. Any party objecting to foundation for any written exhibit shall notify the offering party and judge in writing at least two working days prior to the hearing or the foundation objection is waived.

3. Hearings are ordinarily digitally recorded. In the event that any party requests a court reporter, notice shall be given to the Office of Administrative Hearings no later than **April 22, 2009**. See Minn. R. 1400.7400, subp. 2.

4. Requests for subpoenas for the attendance of witnesses or the production of documents shall be made in writing to the administrative law judge pursuant to Minn. R. 1400.8601. A copy of the subpoena request shall be served on the other parties. A subpoena request form is available at www.oah.state.mn.us, and a copy has been forwarded to Mr. Soule with this Prehearing Order. Any objection to a subpoena must be filed promptly, pursuant to Minn. R. 1400.8601, subp. 3.

5. The parties have not requested accommodation for a disability or appointment of an interpreter. The Office of Administrative Hearings shall be notified promptly if either an accommodation or interpreter is needed.

6. This case may be appropriate for mediation or settlement of the amount in controversy or the terms for repayment. The parties are encouraged to discuss possible terms of a settlement in advance of the hearing.

7. Any party who desires to change the date, time, or place of the hearing shall contact the other parties and seek agreement on a new time, date or place, subject to the approval of the Administrative Law Judge. In the event that no agreement is reached, a request for a continuance of the hearing date must be made in writing at least five days in advance of the hearing to the Administrative Law Judge, and a copy served upon the other party.

8. Pursuant to Minn. R. 1400.8545, if a person is confined to a federal or state institution, a copy of the document served on that person must also be served upon the chief executive officer of the institution. Any paper relating to this hearing may be filed with the Office of Administrative Hearings by facsimile transmission or by United States Mail.

Dated: March 19, 2009

s/Beverly Jones Heydinger
BEVERLY JONES HEYDINGER
Administrative Law Judge